

### **ATTACHMENTS**

Incorporated into this response is the appended declaration of Dr. Michael Hartzer.

### **REMARKS**

With this amendment claims 1-10, 13-21 and 24-28 are pending in the application. Claims 1 and 14 have been amended by way of this amendment.

The outstanding claim rejections are those already of record and include claims 1-4, 7-10 and 13 standing rejected under 35 U.S.C. §102(b) or in the alternative under 35 U.S.C. §103(a) over Gandorfer et al.; claims 1-10, 13-21 and 24-28 standing rejected under 35 U.S.C. §102(b) or in the alternative under 35 U.S.C. §103(a) over Trese et al.; and 1-10, 13-21 and 24-28 standing rejected under 35 U.S.C. §102(a) or in the alternative under 35 U.S.C. §103(a) over Shi et al.

In response to these rejections, Applicant herein incorporates by reference the remarks already of record with respect to these rejections. Applicant submits that the prior art nowhere teaches vitreous liquefaction with plasmin in a dose of less than 0.4 units thereby rendering the claims novel. The pending claims are deemed to be nonobvious over the prior art since the prior art of record consistently teaches the best results are obtained at the highest plasmin doses studied (Gandorfer: 2 units plasmin for 60 minutes, Shi: 3 units of plasmin to induce posterior vitreous detachment). With respect to Trese et al., as the declarations of record make clear, while the reference states the use of autologous plasmin as an active substance for liquefaction, the preparation procedure detailed therein at page 1608 is actually yielding a streptokinase-plasminogen complex and not plasmin. In light of the failure of Trese et al. to show reliable liquefaction of the vitreous in the human eye at 0.4 units according to the teaching detailed therein and the declarations of record indicating that this material was in fact not plasmin, it is

submitted that the pending claims are novel over Trese et al. As Trese et al. fails to show “reliable liquefaction of vitreous that was seen in animals [for human eyes],” Applicant reiterates that Trese et al. teaches away from the subject matter of the pending claims.

In support of the efficacy of the instant invention, Applicant proffers the attached third declaration of Michael Hartzler showing the effectiveness of the claimed invention to induce vitreous liquefaction. The attached declaration used matched pairs of rabbit eyes in order to assess the time required to remove 1 milliliter of vitreous after injection of various doses of active plasmin in a first eye and the fellow eye receiving the same injection volume of 0.1 milliliter balanced saline solution. This data indicates a significant decrease in the time needed to remove 1 milliliter of vitreous after plasmin injection.

In view of the above remarks, reconsideration of the outstanding claim rejections is hereby solicited.

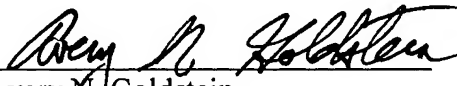
### **Summary**

Claims 1-10, 13-21 and 24-28 are the claims pending in this application. By way of this amendment, independent claims 1 and 14 have been amended. Each pending claim is believed

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to be in proper form and directed to allowable and patentable subject matter. Reconsideration and allowance of the claims and the passing of this application to issue are solicited.

Respectfully submitted,

  
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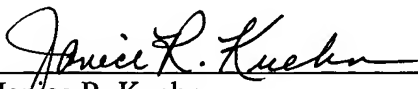
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Janice R. Kuehn